



Agency Legislative Proposal - 2016 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):
Legislative2016_011516_DORS_TechRevisions

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Rehabilitation Services (DORS)

Liaison: Andrew Norton

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Lead agency division requesting this proposal: **Bureau of Education and Services for the Blind**

Agency Analyst/Drafter of Proposal: **Andrew Norton**

Title of Proposal: Technical Revisions and Updates to DORS Statutes

Statutory Reference: CGS Secs. 17b-656, 10-295(d), 10-298b, 10-298c, 10-298d, 10-300, 10-300a, 10-304 and 10-310

Proposal Summary:

This proposal deletes DORS statutes that provide for and refer to client workshops since the agency no longer operates such workshops and has not for many years. The proposal also eliminates an expenditure cap waiver that is no longer needed.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

The Department of Rehabilitation Services (DORS) seeks to repeal all statutory sections that refer to the agency's operation of client workshops. DORS no longer operates client workshops or industries. These endeavors were typically segregated settings for persons with disabilities and that is no longer how the agency promotes employment for our clients with disabilities. The Bureau of Education and Services for the Blind (BESB) in the agency has not operated a workshop for over 12 years and the Bureau of Rehabilitation Services (BRS) has not done so for even longer. 1) Client workshops, as outlined in the existing statutes named above, are increasingly unsupported in federal policy as rehabilitation policies have focused on placing persons with disabilities in integrated work settings. 2) The agency is not aware of other states' actions at this time. 3) In addition to the shift in the direction of federal government



policy, many advocates for persons with disabilities, including such persons themselves, are promoting a rehabilitation model that moves away from a concentration of persons with disabilities in one workplace toward placement in work settings where persons with disabilities work side by side with their peers without disabilities. 4) The agency does not operate workshops currently and that practice would continue absent passage of this proposal. In addition, the agency seeks to eliminate CGS. Sec. 10-310 which provides a waiver of any expenditure caps for persons with blindness that exist elsewhere in the relevant DORS statutes. Since only one monetary cap still exists, an adjustment to that one reference [see CGS Sec. 10-295(d)] will eliminate the need for the waiver and allow for its deletion.

☐ **Origin of Proposal**

☒ **New Proposal**

☐ **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

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PROPOSAL IMPACT

☐ **AGENCIES AFFECTED** *(please list for each affected agency)*

Agency Name: Department of Administrative Services (DAS)

Agency Contact (*name, title, phone*): Terrence Tulloch-Reid, Legislative Program Manager, (860) 713-5085

Date Contacted: November 9, 2015

Approve of Proposal ☒ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

DAS feels that these deletions of the DORS statutes will have no negative effect on the existing private workshops with whom they work and from whom they make purchases.

Will there need to be further negotiation? ☐ **YES** ☒ **NO**

☐ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*



Municipal (please include any municipal mandate that can be found within legislation)

None.

State

None.

Federal

None.

Additional notes on fiscal impact

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◇ **POLICY and PROGRAMMATIC IMPACTS** (Please specify the proposal section associated with the impact)

Section 1. Most of CGS Sec. 17b-656 should be kept in order to retain the preference for sales to the state of certain goods and services provided by workshops or community rehabilitation programs for people with disabilities, however, the language that refers to the Department of Rehabilitation Services (DORS) should be removed because the agency no longer operates any workshops itself. The language in this section once specifically addressed the Bureau of Rehabilitation Services (BRS) which had then been a part of DSS but is now a part of DORS.

Section 2. The first proposed change to CGS Sec. 10-295(d) will make it clear that these expenditures for persons who are deafblind may be in addition to any other agency service expenditures. In so doing, the agency may propose the deletion of CGS Sec. 10-310 (see below) which provides a waiver to any monetary caps, such as this one, for vocational rehabilitation services - another type of service. That waiver will no longer be needed. The second change to CGS Sec. 10-295(d) will make clear that these services for persons who are deafblind are for "community inclusion" which is the term of art for the assistance such persons receive in order to connect with their peers without disabilities and with the community-at-large.

Section 3. CGS Sections 10-298a, 10-298b, 10-298c and 10-298d should all be deleted as they also refer to the operation of workshops that are no longer run or supported by the agency. These statutes had historically referred to the Bureau of Education and Services for the Blind (BESB) which is now part of DORS. The BESB workshops have been closed since 2003; in addition, such workshops are no longer part of the agency's rehabilitation model and will not be revived. The provision of CGS Sec. 10-298c provides powers to the Commissioner of the Department of Administrative Services (DAS) which are no longer appropriate, such as the setting of prices, and provides other powers that she already has elsewhere under the existing state and DAS contracting protocols.

Section 4. As workshops are no longer operated by the agency, provision for the licensing and fee exemptions under CGS Sec. 10-300 are no longer necessary. Further, the Connecticut Institute for the Blind (aka Oak Hill) no longer operates workshops either.

Section 5. CGS Section 10-300a is also not needed since DORS is no longer involved in workshops,



manufacturing or any related sales. Similarly, DORS does not have the resources, staff or expertise to perform the requisite regulatory oversight called for in the section. Further such regulatory oversight is not needed. Section 6. This section (CGS Sec. 10-304) is no longer necessary. It establishes an account for the receipt of funds earned through workshop sales. DORS had not been engaged in such sales for 12 years. There are no funds in the account. Section 7. CGS Sec. 10-310 should be deleted since there is no longer a need for such a waiver of expenditure caps for the provision of vocational rehabilitation services. The monetary caps implicitly referred to have been previously deleted with the sole exception of the \$10,000 cap on “community inclusion” services for persons who are deafblind [see CGS. Sec. 10-295(d)]. Since that subsection will be appropriately amended (see above and below), CGS Sec. 10-310 may be eliminated.

Insert fully drafted bill here

***AN ACT CONCERNING TECHNICAL REVISION TO THE DEPARTMENT OF
REHABILITATION SERVICES STATUTES***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. 17b-656 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Sec. 17b-656. (Formerly Sec. 17-666). Preference to be given to products and services rendered by persons with disabilities. Purchase of products and services. Whenever any products made or manufactured by or services provided by persons with disabilities through community rehabilitation programs [**described in subsection (b) of section 17b-655**] or in any workshop established, operated or funded by nonprofit and nonsectarian organizations for the purpose of providing persons with disabilities training and employment suited to their abilities meet the requirements of any department, institution or agency supported in whole or in part by the state as to quantity, quality and price such products shall have preference over products or services from other providers, except (1) articles produced or manufactured by Department of Correction industries as provided in section 18-88, (2) emergency purchases made under section 4-98, and (3) janitorial or contractual services provided by a qualified partnership, pursuant to the provisions of subsections (b) to (d), inclusive, of section 4a-82. [**All departments, institutions and agencies supported in whole or in part by the state shall purchase such articles made or manufactured and services provided by persons with disabilities from the Department of Rehabilitation Services. Any political subdivision of the state may purchase such articles and services through the Department of Rehabilitation Services.**] A list describing styles,



designs, sizes and varieties of all such articles made by persons with disabilities and describing all available services provided by such persons shall be prepared by the Connecticut Community Providers Association.

Section 2. 10-295 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Sec. 10-295. Specialized vision-related instruction, educational programs, goods and services. Expense of services. Teachers and educational resources; funding. Adult home instruction. Adaptive equipment. (a) All residents of this state, regardless of age, who, because of blindness or impaired vision, require specialized vision-related educational programs, goods and services, on the signed recommendation of the Commissioner of Rehabilitation Services, shall be entitled to receive such instruction, programs, goods and services for such length of time as is deemed expedient by said commissioner. Upon the petition of any parent or guardian of a blind child or a child with impaired vision, a local board of education may provide such instruction within the town or it may provide for such instruction by agreement with other towns as provided in subsection (d) of section 10-76d. All educational privileges prescribed in part V of chapter 164, not inconsistent with the provisions of this chapter, shall apply to the pupils covered by this subsection.

(b) The Commissioner of Rehabilitation Services shall expend funds for the services made available pursuant to subsection (a) of this section from the educational aid for blind and visually handicapped children account in accordance with the provisions of this subsection. The Commissioner of Rehabilitation Services may adopt, in accordance with the provisions of chapter 54, such regulations as the commissioner deems necessary to carry out the purpose and intent of this subsection.

(1) The Commissioner of Rehabilitation Services shall provide, upon written request from any interested school district, the services of teachers of the visually impaired, based on the levels established in the individualized education or service plan. The Commissioner of Rehabilitation Services shall also make available resources, including, but not limited to, the Braille and large print library, to all teachers of public and nonpublic school children. The commissioner may also provide vision-related professional development and training to all school districts and cover the actual cost for paraprofessionals from school districts to participate in agency-sponsored Braille training programs. The commissioner shall utilize education consultant positions, funded by moneys appropriated from the General Fund, to supplement new staffing that will be made available through the educational aid for the blind and visually handicapped children account, which shall be governed by formal written policies established by the commissioner.

(2) The Commissioner of Rehabilitation Services shall use funds appropriated to said account, first to provide specialized books, materials, equipment, supplies, adaptive technology services and devices, specialist examinations and aids, preschool programs and vision-related independent living services, excluding primary educational placement, for eligible children without regard to a per child statutory maximum.



(3) The Commissioner of Rehabilitation Services may, within available appropriations, employ certified teachers of the visually impaired in sufficient numbers to meet the requests for services received from school districts. In responding to such requests, the commissioner shall utilize a formula for determining the number of teachers needed to serve the school districts, crediting six points for each Braille-learning child and one point for each other child, with one full-time certified teacher of the visually impaired assigned for every twenty-five points credited. The commissioner shall exercise due diligence to employ the needed number of certified teachers of the visually impaired, but shall not be liable for lack of resources. Funds appropriated to said account may also be utilized to employ rehabilitation teachers, rehabilitation technologists and orientation and mobility teachers in numbers sufficient to provide compensatory skills evaluations and training to blind and visually impaired children. In addition, up to five per cent of such appropriation may also be utilized to employ special assistants to the blind and other support staff necessary to ensure the efficient operation of service delivery. Not later than October first of each year, the Commissioner of Rehabilitation Services shall determine the number of teachers needed based on the formula provided in this subdivision. Based on such determination, the Commissioner of Rehabilitation Services shall estimate the funding needed to pay such teachers' salaries, benefits and related expenses.

(4) In any fiscal year, when funds appropriated to cover the combined costs associated with providing the services set forth in subdivisions (2) and (3) of this subsection are projected to be insufficient, the Commissioner of Rehabilitation Services may collect revenue from all school districts that have requested such services on a per student pro rata basis, in the sums necessary to cover the projected portion of these services for which there are insufficient appropriations.

(c) The Commissioner of Rehabilitation Services may provide for the instruction of the adult blind in their homes, expending annually for this purpose such sums as the General Assembly may appropriate.

(d) The Commissioner of Rehabilitation Services may expend up to ten thousand dollars per fiscal year per person twenty-one years of age or over who is both blind or visually impaired and deaf, in addition to any other expenditures for such person, for the purpose of providing community inclusion services through specialized public and private entities from which such person can benefit. The commissioner may determine the criteria by which a person is eligible to receive specialized services and may adopt regulations necessary to carry out the provisions of this subsection.

(e) The Commissioner of Rehabilitation Services may, within available appropriations, purchase adaptive equipment for persons receiving services pursuant to this chapter.

Section 3. Sections 10-298a, 10-298b, 10-298c and 10-298d of the general statutes are repealed (*Effective October 1, 2016*):

Sec. 10-298a. Workshops and employment assistance for the blind. Statements to be filed. [(a) The Department of Rehabilitation Services may, within available appropriations, (1) maintain and develop workshops for training and employing blind persons in trades and occupations suited to their



abilities, for the purpose of producing suitable products and services used by departments, agencies and institutions of the state and its political subdivisions, including, but not limited to towns, cities, boroughs and school districts; (2) aid blind persons in securing employment, in developing home industries and in marketing their products and services; (3) develop and implement rules and guidelines to guarantee that the dignity and rights of citizens involved in such workshops and work training programs shall be maintained; and (4) fund employment and vocational training at community rehabilitation facilities.

(b) For any fiscal year that the Department of Rehabilitation Services operates a workshop pursuant to subsection (a) of this section, the Commissioner of Rehabilitation Services shall file with the Comptroller a balance sheet as of June thirtieth and a statement of operations for the fiscal year ending on that date. A copy of such statement shall be filed with the Auditors of Public Accounts.]

Sec. 10-298b. Preference to be given to products and services. [Whenever any of the products made or manufactured or services provided by blind persons under the direction or supervision of the Department of Rehabilitation Services meet the requirements of any department, institution or agency supported in whole or in part by the state as to quantity, quality and price such products shall have preference, except over articles produced or manufactured by Department of Correction industries as provided in section 18-88, and except for emergency purchases made under section 4-98. All departments, institutions and agencies supported in whole or in part by the state shall purchase such articles and services from the Department of Rehabilitation Services. Any political subdivision of the state may purchase such articles made or manufactured and services provided by the blind through the Department of Rehabilitation Services. The department shall issue at sufficiently frequent intervals for distribution to the Commissioner of Administrative Services, the Comptroller and the political subdivisions of the state, a catalog showing styles, designs, sizes and varieties of all products made by blind persons pursuant to this section or disabled persons pursuant to section 17b-656 and describing all available services provided by the blind or disabled.]

Sec. 10-298c. Commissioner of Administrative Services to regulate purchase of products and services of blind or handicapped persons. [The Commissioner of Administrative Services shall (1) fix a fair market price, based on the cost of materials, labor and overhead, for all articles and services offered for sale and described in the most recent catalog issued by the Department of Rehabilitation Services pursuant to section 10-298b, provided the cost of labor on which such fair market price is based shall conform to federal minimum wage regulations for handicapped workers; (2) determine whether or not products produced or services provided by blind persons or handicapped persons meet the reasonable requirements of state departments, agencies and institutions; and (3) authorize state departments, agencies and institutions to purchase articles and services elsewhere when requisitions cannot be complied with through the products and services listed in the most current catalog issued by the Department of Rehabilitation Services pursuant to section 10-298b.]

Sec. 10-298d. Violations. [Any responsible officer, commissioner or deputy of any department, institution or agency which violates the provisions of section 10-298b or 10-298c shall be immediately reported to the Governor who shall take whatever action, if any, the Governor deems necessary.]



Section 4. Section 10-300 of the general statutes is repealed (*Effective October 1, 2016*):

Sec. 10-300. Exemption from license fees. [Any goods, wares or merchandise, manufactured or produced in whole or in part by the Department of Rehabilitation Services or The Connecticut Institute for the Blind in furtherance of its purpose to instruct or employ the blind, may be sold or exchanged in any town, city or borough in this state and the department or institute, its agents or its employees shall not be required to procure a license therefor, and no law providing for the payment of a license fee for such privilege shall apply to the department or institute, its agents or employees, unless it or they are particularly referred to in its provisions.]

Section 5. Section 10-300a of the general statutes is repealed (*Effective October 1, 2016*):

Sec. 10-300a. Labeling of goods made by blind persons. [(a) No goods, wares or merchandise shall be labeled, designated or represented as having been manufactured or produced in whole or in part by any blind person or by any public or private institute, agency or corporation serving the blind unless at least seventy-five per cent of the total hours of labor performed on such goods, wares or merchandise shall have been rendered by a blind person, as defined in section 10-294a. Any person, institute, agency or nonprofit corporation which so manufactures or produces such goods shall register annually, on July first, with the Department of Rehabilitation Services and may affix or cause to be affixed to such goods a stamp or label which identifies such goods as the products of blind persons.

(b) The Department of Rehabilitation Services may adopt regulations pursuant to the provisions of chapter 54 to carry out the provisions of this section.

(c) Any person, institute, agency or nonprofit corporation which violates any of the provisions of this section shall be fined not more than one hundred dollars for each violation.]

Section 6. Section 10-304 of the general statutes is repealed (*Effective October 1, 2016*):

Sec. 10-304. Sales and service account. [The sales and service account for the Department of Rehabilitation Services shall be established as a separate account within the General Fund for the purpose of aiding the blind by providing sales and service opportunities. Any money received by the department from refunds for materials advanced for manufacture by the blind, and from the sales of articles or goods manufactured by the blind, and from the sale of other articles or goods, or from sales held to assist the blind, shall be deposited in the General Fund and credited to the account. Payments shall be made from the account for labor or services rendered in connection with the manufacture of articles for resale, for the purchase of materials used in such manufacture, for the purchase of merchandise for resale and for labor, supplies and other operating expenses connected with the operation of vending stands and sales and service opportunities. Bills contracted by the Department of Rehabilitation Services for the purposes specified in this section shall be paid by order of the Comptroller against the account in the manner provided by law for the payment of all claims against



the state. At the end of each fiscal year, any surplus as of June thirtieth determined by including cash, accounts receivable and inventories less accounts payable over the sum of three hundred thousand dollars derived from sales of manufactured goods or articles or other sales, in excess of such cost of labor or services, materials, merchandise, supplies and other such operating expenses, shall revert to the General Fund of the state.]

Section 7. Section 10-310 of the general statutes is repealed (*Effective October 1, 2016*):

Sec. 10-310. Limitation of expenditures. [The limitations on expenditures for a blind person provided in this chapter shall not apply to the expenditures for vocational rehabilitation of a person of lessened visual acuity as set forth in sections 10-306 to 10-309, inclusive, provided the combined biennial expenditures under this chapter and under said sections shall not exceed the biennial appropriation to the Department of Rehabilitation Services by the General Assembly for the purpose of providing services to persons who are legally blind or visually impaired.]